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CREATION OF AN EFFECTIVE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME, IN PURSUANCE OF GENERAL ASSEMBLY RESOLUTION 45/108

Report on the meeting of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, held at Vienna from 5 to 9 August 1991***

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INTRODUCTION

1. The meeting of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme was convened in accordance with General Assembly resolution 45/108 of 14 December 1990, which decided to establish an intergovernmental working group, which, on the basis of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme", would produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented, and, accordingly, requests the President of the General Assembly, in consultation with the chairmen of the regional groups to appoint no more than thirty Member States on the basis of the principle of equitable geographical distribution to constitute the membership of the working group.

2. The Assembly invited Member States, in consultation with the Secretary-General and the Chairman of the Committee on Crime Prevention and Control, to convene an early ministerial meeting: (a) to consider the report of the intergovernmental working group in order to decide what the future of the programme should be, and (b) to consider, in this context, the possible need for a convention or other international instrument to develop the content, structure and dynamics of that programme, including the mechanisms for setting priorities, securing the implementation of the programme and monitoring the results achieved. In the same resolution, the Assembly requested the Secretary-General, in preparation for the ministerial meeting, to assess the possible implications of the programme proposed by the Intergovernmental Working Group for the resources and organization of the Secretariat and to report thereon to the ministerial meeting and to the Committee on Crime Prevention and Control. The Assembly also invited Member States to provide active support and assistance for the development of the programme and of viable mechanisms for implementing it.

3. Finally, the General Assembly decided that the conclusions and recommendations of the ministerial meeting should be brought to the attention of the General Assembly, under the item entitled "Crime prevention and criminal justice", for appropriate action.

4. In response to a request by the Seventh Congress contained in the Milan Plan of Action, which had been approved by the General Assembly in resolution 40/32, the review of the programme began at the ninth session of the Committee on Crime Prevention and Control on the basis of a report of the Secretary-General (E/AC.57/1986/4). In resolution 1986/11, the Economic and Social Council endorsed the recommendations made by the Secretary-General in paragraph 82 of that report. The attention of the Working Group was drawn to Council resolutions 1987/53 and 1988/44 and to General Assembly resolutions 41/107, 42/59 and 43/99 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice.

5. In resolution 1989/68, the Council welcomed the report of the Secretary-General concerning the progress made in the implementation of the conclusions of the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice (E/AC.57/1988/13), reaffirmed its conviction of the importance of the programme of the United Nations in the field of crime prevention and criminal justice and the necessity of strengthening it in order to make it more fully responsive to the needs and expectations of Member States, and noted that, while serious efforts had been made to implement recommendations related to the substantive aspects of the programme, more attention should be paid to the existing structure and level of management of the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat in pursuance of Council resolutions 1986/11 and 1987/53 and General Assembly resolution 42/59.

6. The General Assembly, in resolution 44/72, approved the recommendations contained in Economic and Social Council resolutions 1989/68 and requested the Secretary-General to translate them into action. In the same resolution, the General Assembly welcomed the establishment by the Committee on Crime Prevention and Control of a subcommittee charged with the task of providing an overview of the problem of crime and assessing the most efficient means of stimulating practical international action in support of Member States, and invited the Committee, at its eleventh session, to give priority attention to the conclusions and recommendations of its subcommittee and to consider appropriate follow-up thereto by the Eighth Congress.

7. In resolution 11/3, the Committee unanimously approved the report of the subcommittee, as revised, and requested the Secretary-General to transmit it to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

8. By decision 1990/216, the Economic and Social Council endorsed the Committee's request, contained in its resolution 11/3, that the Secretary-General transmit to the Eighth Congress, for consideration, the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1).

9. The Eighth Congress, under agenda item 3 entitled "Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation", considered the report of the Committee (E/1990/31/Add.1) and, on its recommendation, the General Assembly adopted resolution 45/108 entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice".

RECOMMENDATIONS

10. The Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme recommends to the Ministerial

Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme the approval of the following draft resolution for adoption by the General Assembly at its forty-sixth session:

Draft resolution: Creation of an effective United Nations crime prevention and criminal justice programme

The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

Recommends to the General Assembly the adoption of the following draft resolution:

"The General Assembly,

"Alarmed by the scope of criminality and by the dangers posed to the welfare of all nations by the rising incidence of crime generally and by the many forms of criminal activity that have international dimensions,

"Also alarmed by the high cost of crime in both human and material terms, especially in its new and transnational forms, and aware of the effects of crime both on States and on individual victims,

"Recalling that, in its resolution 45/108 of 14 December 1990, it decided to establish an intergovernmental working group to 'produce a report elaborating proposals for an effective international crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented',

"Acknowledging with appreciation the work of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme (A/CONF.156/2), which met at Vienna from 5 to 9 August 1991,

"Acknowledging also with appreciation the work of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991,

"Recognizing that criminality is a major concern of all nations and that it calls for a concerted response from the international community aimed at preventing crime and recidivism, improving the functioning of criminal justice and law enforcement, and increasing respect for individual rights,

"Acknowledging that a United Nations programme devoted to crime prevention and criminal justice can only be effective with the direct involvement of Member States,

"Convinced that the principal purpose of such a programme should be to provide practical assistance to States in combating both national and transnational crime,

"Noting the principles contained in the Milan Plan of Action (see E.86.IV.1, chap. I, sect. A) and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order (ibid., sect. B), as well as other pertinent instruments formulated by United Nations congresses on the prevention of crime and the treatment of offenders and approved by the General Assembly,

"Recognizing the need to create an effective United Nations crime prevention and criminal justice programme and to provide the means to implement such a programme, within the overall existing United Nations resources;

"1. Takes note with appreciation of the report of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme;

"2. Approves the statement of principles and programme of action, annexed to the present resolution, recommending the establishment of a United Nations crime prevention and criminal justice programme;

"3. Requests the Secretary-General to give a high level of priority within the United Nations framework, and within the overall existing United Nations resources, to the activities of the United Nations crime prevention and criminal justice programme;

"4. Decides that the United Nations crime prevention and criminal justice programme shall be devoted to providing States with practical assistance, such as data collection, information and experience sharing, and training, in order to achieve the goals of preventing crime within and among States and of improving the response to crime;

"5. Invites Member States to give their political and financial support and to take measures that will ensure the implementation of the provisions of the statement of principles and programme of action as they relate to the strengthening of the United Nations crime prevention and criminal justice programme in terms of its structure, content and priorities;

"6. Requests the Secretary-General to take the necessary action within the overall existing United Nations resources and to provide appropriate resources for the effective functioning of the United Nations crime prevention and criminal justice programme in accordance with the principles outlined in the statement of principles and programme of action;

"7. Urges all entities of the United Nations system, including the regional commissions, the United Nations congresses on the prevention of crime and the treatment of offenders, the United Nations institutes for the prevention of crime and the treatment of offenders, the specialized agencies and the relevant intergovernmental and non-governmental organizations, to assist the United Nations crime prevention and criminal justice programme in fulfilling its tasks;

"8. Proposes that the Economic and Social Council, at its organizational session for 1992, should make the necessary technical arrangements in order to discontinue the Committee on Crime Prevention and Control and to establish a commission on crime prevention and criminal justice, including the financial redeployment of funds for the work of the new commission;

"9. Requests the Economic and Social Council at its 1992 regular session:

"(a) To dissolve the Committee on Crime Prevention and Control;

"(b) To establish the commission on crime prevention and criminal justice as a new functional commission of the Economic and Social Council, in accordance with the recommendations contained in the statement of principles and programme of action;

"(c) To retain for the United Nations crime prevention and criminal justice programme, without prejudice to additional funds that may be made available by the Secretary-General, all funds currently allocated to the programme, as well as any savings realized by restructuring;

"(d) To endorse the role and functions of the United Nations congresses on the prevention of crime and the treatment of offenders, in accordance with the recommendations contained in the statement of principles and programme of action;

"10. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on measures taken to implement the statement of principles and programme of action;

"11. Decides to include in the provisional agenda of its forty-seventh session an item entitled 'Crime prevention and criminal justice'.

"Annex

"STATEMENT OF PRINCIPLES AND PROGRAMME OF ACTION OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

"We, Member States of the United Nations,

"Assembled in Paris to consider ways and means of promoting international cooperation in crime prevention and criminal justice and of strengthening the United Nations crime prevention and criminal justice programme in order to make it fully effective and responsive to the needs and priorities of Member States,

"Considering that one of the purposes of the United Nations, as stated in the Charter of the United Nations, is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

"Convinced of the urgent need for more efficient international mechanisms to assist States and to facilitate joint strategies in the field of crime prevention and criminal justice, thus consolidating the role of the United Nations as the focal point in that field,

"Noting the importance of the principles contained in the Milan Plan of Action (see E.86.IV.1, chap. J, sect. A) and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order (ibid., sect. B), as well as other pertinent instruments formulated by United Nations congresses on the prevention of crime and the treatment of offenders and approved by the General Assembly,

"Reaffirming the responsibility assumed by the United Nations in crime prevention and criminal justice,

"Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, the observance of human rights and the promotion of the highest standards of fairness, humanity and professional conduct,

"Recognizing that it is essential to elicit active support for, and to provide the means of assistance for the development of, an effective United Nations crime prevention and criminal justice programme and to devise appropriate implementation mechanisms,

"Deeply concerned about the extent and growth of crime, with its financial, economic and human consequences,

"Alarmed at the high cost of crime in both human and material terms, as well as in its new national and transnational forms, and aware of the effects of crime both on States and on individual victims,

"Recognizing that the primary responsibility for crime prevention and criminal justice rests with Member States,

"Emphasizing the need for strengthened regional and international cooperation to combat crime and recidivism, to effect the improved functioning of criminal justice systems, to promote respect for individual rights and to safeguard the rights of victims of crime and the general security of the public,

"Aware that there is unanimity about the need to create a new, vigorous United Nations crime prevention and justice programme, as well as agreement on the need to establish an intergovernmental body for policy-making and priority-setting, to strengthen the effectiveness of the Secretariat unit within the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, and to increase technical cooperation to help countries translate United Nations policy-guidelines into practice, including training,

"Determined to translate our political will into concrete action:

"(a) By creating the essential mechanisms for practical collaboration against common problems;

"(b) By providing a framework for inter-State cooperation and coordination to respond to the serious new forms and transnational aspects and dimensions of crime;

"(c) By establishing information exchanges concerning the implementation and effectiveness of the United Nations norms and standards in crime prevention and criminal justice;

"(d) By providing means of assistance, particularly to developing countries, for more effective crime prevention and more humane justice;

"(e) By establishing an adequate resource base for a truly effective United Nations crime prevention and criminal justice programme,

"Proclaim our strong commitment to the above-mentioned goals and agree on the following:

"I. STATEMENT OF PRINCIPLES

"1. We recognize that the world is experiencing fundamental changes resulting in a political climate conducive to democracy and to more widespread enjoyment of basic human rights and fundamental freedoms. Notwithstanding these developments, the world today is still beset by violence and other forms of serious crime. These phenomena, wherever they occur, constitute a threat to the maintenance of the rule of law.

"2. We believe that rising crime is impairing the process of development and the general well-being of humanity and is causing general disquiet within our societies. If this situation continues, progress and development will be the ultimate victims of crime.

"3. We also believe that the growing internationalization of crime must generate new and commensurate responses. Organized crime is exploiting the relaxation of border controls designed to foster legitimate trade and, hence, development. The incidence and scope of such crimes may increase further in the coming years unless sound preventive measures are taken. It is thus particularly important to anticipate events and to assist Member States in mounting suitable preventive and control strategies.

"4. We recognize that many criminal offences have international dimensions. In this context, there is an urgent need for States to address problems arising in collecting evidence, extraditing offenders and promoting mutual legal assistance, for example, when such offences are committed across frontiers or when frontiers are used to escape detection or prosecution. Despite differences in legal systems, experience has shown that mutual assistance and cooperation can be effective countermeasures and can help to prevent conflicts of jurisdiction.

"5. We also recognize that democracy and a better quality of life can flourish only in a context of peace and security for all. Crime poses a threat to stability and to a safe environment. Crime prevention and criminal justice, with due regard to the observance of human rights, is thus a direct contribution to the maintenance of peace and security.

"6. We must ensure that any increases in the capacity and capabilities of perpetrators of crime are matched by similar increases in the capacity and capabilities of law enforcement and criminal justice authorities. By pooling our knowledge and developing suitable countermeasures, success in the prevention of crime and the reduction of victimization can be maximized.

"7. We call on the international community to increase its support of technical cooperation and assistance activities for the benefit of all countries, including developing and smaller countries, and for the purpose of expanding and strengthening the infrastructure needed for

effective crime prevention and viable, fair and humane criminal justice systems.

"8. We believe that justice based on the rule of law is the pillar on which civilized society rests. We seek to improve its quality. A humane and efficient criminal justice system can be an instrument of equity, constructive social change and social justice, protecting basic values and peoples' inalienable rights. Every right of the individual should enjoy the protection of the law against violation, a process in which the criminal justice system plays an essential role.

"9. We acknowledge the contribution of the United Nations crime prevention and criminal justice programme to the international community. We note that it is a long-recognized fact that inadequate resources have been devoted to the implementation of the programme, which has in the past been inhibited from achieving its potential. We also note that a strengthening of the resources devoted to the implementation of the programme was called for by the Sixth United Nations Congress for the Prevention of Crime and the Treatment of Offenders (see E.81.IV.4, chap. I, sect. A), the Seventh United Nations Congress for the Prevention of Crime and the Treatment of Offenders (see E.86.IV.1, chap. I, sect. A) and the Eighth United Nations Congress for the Prevention of Crime and the Treatment of Offenders (see E.91.IV.2, chap. I, sect. A, draft resolution 1). We further note that the Committee on Crime Prevention and Control, at its eleventh session, gave priority attention to the conclusions and recommendations of a sub-committee established to provide an overview of the problem of crime and to assess the most efficient means of stimulating practical international action in support of Member States, in pursuance of General Assembly resolution 44/72. The Committee, in its resolution 11/3, unanimously approved a report of the sub-committee on the need for the creation of an effective international crime and justice programme (E/1990/31/Add.1). That report, which was endorsed by the Eighth Congress (see E.91.IV.2, chap. IV), was used as an important tool for the establishment of the United Nations crime prevention and criminal justice programme, in line with the provisions of General Assembly resolution 45/108.

"10. We accordingly recommend intensified international cooperation in crime prevention and criminal justice, including the creation of an effective United Nations crime prevention and criminal justice programme.

"11. We are convinced that there is a need for Governments to define more clearly the role and functions of the United Nations crime prevention and criminal justice programme and the Secretariat and to determine priorities within that programme.

"12. We strongly believe that the review of the programme should aim at strengthening its effectiveness, improving its efficiency and establishing an adequate Secretariat support structure.

"II. PROGRAMME OF ACTION

"A. DEFINITION

"13. The United Nations crime prevention and criminal justice programme shall bring together the work of the commission on crime prevention and criminal justice, the interregional and regional institutes for the prevention of crime and the treatment of offenders, the network of Government-appointed national correspondents in the field of crime prevention and criminal justice, the Global Crime and Criminal Justice Information Network and the United Nations congresses on the prevention of crime and the treatment of offenders in providing assistance to Member States in their efforts to reduce the incidence and costs of crime and in developing the proper functioning of the criminal justice system.

"B. GOALS

"14. The programme shall be designed to assist the international community in meeting its pressing needs in the field of crime prevention and criminal justice and to provide countries with timely and practical assistance in dealing with problems of both national and transnational crime.

"15. The general goals of the programme shall be to contribute to the following:

"(a) The prevention of crime within and among States;

"(b) The control of crime both nationally and internationally;

"(c) The strengthening of regional and international cooperation in crime prevention, criminal justice and the combating of transnational crime;

"(d) The integration and consolidation of the efforts of Member States in preventing and combating transnational crime;

"(e) More efficient and effective administration of justice, with due respect for the human rights of all those affected by crime and all those involved in the criminal justice system;

"(f) The promotion of the highest standards of fairness, humanity, justice and professional conduct.

"C. SCOPE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

"16. The programme shall include appropriate forms of cooperation for the purpose of assisting States in dealing with problems of both national and transnational crime. In particular, it may include:

"(a) Research and studies at the national, regional and global levels on specific prevention issues and criminal justice measures;

"(b) Regular international surveys to assess trends in crime and developments in the operation of criminal justice systems and in crime prevention strategies;

"(c) Exchange and dissemination of information among States on crime prevention and criminal justice, particularly with regard to innovative measures and the results achieved in their application;

"(d) Training and upgrading of the skills of personnel working in the various areas of crime prevention and criminal justice;

"(e) Technical assistance, particularly in respect of the planning, implementation and evaluation of crime prevention and criminal justice programmes, training and the use of modern communication and information techniques; such assistance may be implemented by means of, for example, fellowships, study tours, consultancies, secondments, courses, seminars, and demonstration and pilot projects.

"17. Within the framework of the programme, the United Nations should directly carry out the above-mentioned forms of cooperation or should act as a coordinating or facilitating agent. Special attention shall be paid to the creation of mechanisms to provide flexible and appropriate assistance and to respond to the needs of Member States at their request, without duplicating the activities of other existing mechanisms.

"18. For the purpose of those forms of cooperation, Member States should establish and maintain reliable and effective channels of communication among themselves and with the United Nations.

"19. The programme may also include, as appropriate, a review of the effectiveness and application of and, where necessary, further development and promotion of international instruments on crime prevention and criminal justice.

"D. PROGRAMME PRIORITIES

"20. In developing the programme, areas of priority shall be determined in response to the needs and concerns of Member States, giving particular consideration to the following:

"(a) Empirical evidence, including research findings and other information on the nature and extent of crime and on trends in crime;

"(b) The social, financial and other costs of various forms of crimes and/or crime control to the individual, the local, national and international community, and the development process;

"(c) The needs of States, whether developing or developed countries, confronting specific difficulties related to national or international circumstances, recourse to experts and other resources necessary for programming and adapting programmes for crime prevention and criminal justice that are appropriate at the national and local levels;

"(d) The need for a balance within the programme of work between programme development and practical action;

"(e) The protection of human rights in the administration of justice and the prevention and control of crime;

"(f) The assessment of areas in which concerted action at the international level and within the framework of the programme would be most effective;

"(g) Avoidance of overlapping with the activities of other entities of the United Nations system or of other organizations.

"21. The commission on crime prevention and criminal justice shall not be bound by mandates conferred prior to its formation, but shall assess them on their merits by applying the above-mentioned principles.

"E. STRUCTURE AND MANAGEMENT

"1. Commission on crime prevention and criminal justice

"22. A commission on crime prevention and criminal justice shall be established as a functional commission of the Economic and Social Council. The commission shall have the power to create ad hoc working groups and to appoint special rapporteurs, as it deems necessary.

"Membership

"23. The commission shall consist of thirty-two Member States of the United Nations, elected by the Economic and Social Council on the basis of the principle of equitable geographical distribution. Its members shall serve for a term of three years except that the terms of one half of the first elected members, whose names shall be chosen by lot, shall expire after two years. Each Member State shall make every effort to ensure that its delegation includes experts and senior officials with special training and practical experience in crime prevention and criminal justice, preferably with policy responsibility in the field. Provisions should be made in the regular budget of the United Nations to defray the travel costs of the representatives of the least developed countries that are members of the Commission.

"Sessions

"24. The commission shall hold annual sessions of not more than ten working days.

"Functions

"25. The commission shall have the following functions:

"(a) To provide policy guidance to the United Nations in the field of crime prevention and criminal justice;

"(b) To develop, monitor and review the implementation of the programme on the basis of a system of medium-term planning in accordance with the priority principles provided in paragraph 20 above;

"(c) To facilitate and help to coordinate the activities of the interregional and regional institutes;

"(d) To mobilize the support of Member States for the United Nations crime prevention and criminal justice programme;

"(e) To prepare the congresses and to consider suggestions regarding possible subjects for the programme of work as submitted by the congresses.

"2. Committee on Crime Prevention and Control

"26. The Committee on Crime Prevention and Control should be dissolved by the Economic and Social Council upon the establishment by the Council of the commission on crime prevention and criminal justice. There will be a basic need for involving independent experts in the area of crime prevention and control.

"27. The commission shall, when necessary, use the services of a limited number of qualified and experienced experts, either as individual consultants or in working groups, in order to assist in the preparations for and follow-up work of the commission. Their advice shall be transmitted to the commission for consideration. The commission shall be encouraged to seek such advice whenever such expertise is needed. One of the major tasks of the experts shall be to assist in the preparations for the congresses.*

"3. United Nations congresses on the prevention of crime and the treatment of offenders

"28. The United Nations congresses on the prevention of crime and the treatment of offenders, as a consultative body of the programme, shall provide a forum for:

"(a) The exchange of views between States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines;

"(b) The exchange of experiences in research, law and policy development;

"(c) The identification of emerging trends and issues in crime prevention and criminal justice;

"(d) The provision of advice and comments to the commission on crime prevention and criminal justice on selected matters submitted to it by the commission;

"(e) The submission of suggestions, for the consideration of the commission, regarding possible subjects for the programme of work.

"29. In order to enhance the effectiveness of the programme and to achieve optimal results, the following arrangements should be implemented:

"* The Secretariat shall keep a list of such experts. The experts shall be selected by the commission in collaboration with the Secretariat, the United Nations institutes for the prevention of crime and the treatment of offenders and non-governmental organizations. The commission, in consultation with Member States, shall develop a mechanism for that purpose. Such experts, who may be either governmental officials or other individuals, shall be chosen on the basis of equitable geographical distribution. They should be available to the programme in their individual independent capacity for at least three years. Expert group meetings shall take place subject to the availability of regular or extrabudgetary resources.

"(a) The congresses should be held every five years, for a period of between five and ten working days;

"(b) The commission shall select precisely defined topics for the congresses in order to ensure a focused and productive discussion;

"(c) Quinquennial regional meetings should be held under the guidance of the commission on issues related to the agenda of the commission or of the congresses, or on any other matters, except when a region does not consider it necessary to hold such a meeting. The interregional and regional institutes should be fully involved, as appropriate, in the organization of those meetings. The commission shall give due consideration to the need to finance such meetings, in particular in developing regions, through the regular budget of the United Nations;

"(d) Action-oriented research workshops on topics selected by the commission, as part of a congress programme, and ancilliary meetings associated with the congresses should be encouraged.

"4. Organizational structure of the Secretariat and of the programme

"30. The Secretariat shall be the permanent body responsible for facilitating the implementation of the programme, the priorities of which shall be established by the commission, and for assisting the commission in conducting evaluations of the progress made and analyses of the difficulties encountered. For that purpose, the Secretariat shall:

"(a) Mobilize existing resources, including institutes, intergovernmental organizations, non-governmental organizations and other competent authorities for the implementation of the programme;

"(b) Coordinate research, training and the collection of data on crime and justice, and provide technical assistance and practical information for Member States, particularly through the Global Crime and Criminal Justice Information Network;

"(c) Assist the commission in the organization of its work and in the preparation, in accordance with the directions of the commission, of the congresses and any other events relating to the programme.

"31. It is recommended to the Secretary-General that, in recognition of the high priority that should be accorded to the programme, an upgrading of the Crime Prevention and Criminal Justice Branch into a division should be effected as soon as possible, within the overall existing United Nations resources, bearing in mind the structure of the United Nations Office at Vienna.

"32. The professional staff of the Secretariat of the programme shall be called 'crime prevention and criminal justice officers'.

"33. The Secretariat of the programme shall be directed by a senior official responsible for the overall day-to-day management and supervision of the programme, communicating with the relevant government officials, the specialized agencies and intergovernmental organizations whose activities are relevant to the programme.

"F. PROGRAMME SUPPORT

"1. Interregional and regional institutes for the prevention of crime and the treatment of offenders

"34. The activities of the United Nations institutes for the prevention of crime and the treatment of offenders* should be supported by Member

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"* The United Nations institutes for the prevention of crime and the treatment of offenders consist of the following:

"(a) The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, established in 1961 at Fuchu, Japan;

"(b) The United Nations Interregional Crime and Justice Research Institute, established in 1968 at Rome;

"(c) The United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, established in 1975 at San José, Costa Rica;

"(d) The Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, established in 1981 at Helsinki;

"(e) The African Institute for the Prevention of Crime and the Treatment of Offenders, established in 1989 at Kampala.

"In addition, three other institutes are currently cooperating closely with the United Nations in the field of crime prevention and criminal justice:

"(a) The Arab Security Studies and Training Centre at Riyadh;

"(b) The Australian Institute of Criminology at Canberra;

"(c) The International Centre for Criminal Law Reform and Criminal Justice Policy at Vancouver, Canada.

States and the United Nations, giving particular attention to the needs of such institutes located in developing countries. Given the important role of such institutes, their contributions to policy development and implementation, as well as their requirements, should be fully integrated into the overall programme, especially those of the African Institute for the Prevention of Crime and the Treatment of Offenders.

"2. Coordination among the interregional and regional institutes

"35. The interregional and regional institutes should keep one another and the commission informed on a regular basis about their programme of work and its implementation.

"36. The commission may request the interregional and regional institutes, subject to the availability of resources, to implement selected elements of the programme. The commission may also suggest areas for inter-institute activities.

"37. The commission shall seek to mobilize extrabudgetary support for the activities of the interregional and regional institutes.

"3. Network of Government-appointed national correspondents in the field of crime prevention and criminal justice

"38. Member States should designate one or more national correspondents in the field of crime prevention and criminal justice as focal points for the purpose of maintaining direct communication with the Secretariat and other elements of the programme.

"39. The national correspondents shall facilitate contact with the Secretariat on matters of legal, scientific and technical cooperation, training, information on national laws and regulations, legal policy, the organization of the criminal justice system, crime prevention measures and penitentiary matters.

"4. Global Crime and Criminal Justice Information Network

"40. Member States shall support the United Nations in the development and maintenance of the Global Crime and Criminal Justice Information Network in order to facilitate the collection, analysis, exchange and dissemination, as appropriate, of information and the centralization of inputs from non-governmental organizations and scientific institutions in the field of crime prevention and criminal justice.

"41. Member States shall undertake to provide the Secretary-General on a regular basis and upon request with data on the dynamics, structure and extent of crime and on the operation of crime prevention and criminal justice strategies in their respective countries.

"5. Intergovernmental and non-governmental organizations

"42. Intergovernmental and non-governmental organizations and the scientific community are a valuable source of professional expertise, advocacy and assistance. Their contributions should be fully utilized in programme development and implementation.

"G. FUNDING OF THE PROGRAMME

"43. The programme shall be funded from the regular budget of the United Nations. Funds allocated for technical assistance may be supplemented by direct voluntary contributions from Member States and interested funding agencies. Member States are encouraged to make contributions to the United Nations Trust Fund for Social Defence, to be renamed the United Nations crime prevention and criminal justice fund. They are also encouraged to contribute in kind for the operational activities of the programme, particularly by seconding staff, organizing training courses and seminars, and providing the requisite equipment and services."

I. ORGANIZATION OF THE MEETING

A. Opening and duration of the meeting

11. The meeting of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme was held at Vienna, Austria, from 5 to 9 August 1991. It held four meetings (1st to 4th) and a number of informal consultations.

12. The meeting was opened by Miss Margaret Joan Anstee, Director-General of the United Nations Office at Vienna. She welcomed the participants and stressed the importance of the meeting which would deal with a vital international issue that could only be tackled through close international cooperation and a concerted effort of the collective membership of the United Nations. The phenomenon of crime was not an isolated one. It had a very close relationship to economic, social and political developments of the day. The decisions ultimately taken by the General Assembly as a consequence of the recommendations and criteria adopted at the meeting would have a profound bearing on the restructuring of the economic and social sectors of the United Nations in general and, in particular, of the United Nations Office at Vienna, and its rationale.

13. Increasing national and international concern over the serious world crime situation, evidenced by its new transnational forms and expanding dimensions across frontiers and steep social and material costs, is generating - as the Secretary-General noted in his 1990 report on the work of the Organization - "a haunting sense of insecurity".

14. A new concept of security was emerging in which, with the end of the cold war, focus has shifted to internal strife, maintenance of socio-economic stability and respect for human rights. This has led to the United Nations being called upon to adopt many new roles, such as in Namibia, El Salvador, Northern Iraq and, prospectively, in Cambodia, to which the crime prevention programme was required to lend expertise in areas such as public service and justice reforms, reconciliation policy and the creation of non-military police forces.

15. Another aspect of the new concept of security was related to development: to non-violent resolution of conflicts, effective justice systems and redress of grievances, increasingly seen as a means of assuring stability and conditions propitious to development without repression. This was particularly important for countries moving towards a market economy and greater democracy. In developing countries particularly, the problem was accentuated by the debt crisis and cutbacks in essential services. Crime increasingly jeopardized sustained development.

16. There was a gap between the wide gamut of needs, both national and international, and the United Nations response. Many countries urgently required technical cooperation to implement the instruments and guidelines adopted by the Eighth and earlier Crime Congresses but the capacity of the Secretariat made it difficult to respond. For this reason the Director-General had suggested that the next Congress should have a different character, taking stock of the implementation of previous decisions and concentrating on operational and practical ways of ensuring this.

17. The meeting was faced with a real quandary - escalating demands versus static resources. The Director-General noted nevertheless some broad areas of agreement: for the establishment of a vigorous new United Nations Crime Prevention, Justice and Security Programme; the creation of an intergovernmental commission; the strengthening of the Secretariat unit; and increased technical cooperation.

18. The Director-General stated that the lodestone ought to be the substance of the Programme and not structural aspects as an end in themselves. It was essential first to define the major role and tasks of the United Nations Crime and Justice Programme as it should be today, giving due attention to its catalytic function; to the need to define priorities; and to the multidisciplinary nature of crime and the consequent need to avoid ad hoc recommendations. Coherence, consolidation and complementarity should be the aim.

19. While resources had to be taken into account, they should not be the guiding criteria. None the less the question should be addressed frankly. The creation of a Commission would not automatically guarantee a more vigorous programme in the absence of means. A convention, even if adopted and ratified might not necessarily provide those means. That was a matter of political will.

20. The Meeting has the unenviable task of navigating, like the Secretariat, between the Scylla of the mounting threat of crime and the Charybdis of financial stringency. The zero-growth budget was a reality, despite multiplying calls for greater United Nations action. Traditional "remedies", such as redeployment and priority setting, represented the lure of apparently facile solutions which had not worked for a number of reasons, particularly the apparent inability of governments to agree on low priority programmes from which resources could be released. Continuation of the present practice of letting mandates increase, and putting the onus on the Secretary-General to deal with them "within existing resources" would merely result in the programme becoming less rather than more effectual.

21. Last year, it was possible to obtain an allocation from the Contingency Fund of $US 455,300 for 1991, an increase of 17.8% in the resources for the crime programme for the biennium 1990-1991. But most of this increase would not be carried over for 1992-1993 budget and the request for further strengthening had been pared down to $US 71,800, which, in fact, meant less resources than in 1991. The 1992-1993 budget totalled only $US 3 million, less than 0.1% of the whole United Nations budget, and far short of requirements. It must be recognized that resources would not increase in anything like the required dimensions unless there was genuine political will: either to decide, at the intergovernmental level, that the Crime and Justice Programme should be accorded high priority and resources redeployed to it, thus increasing its share of a zero growth budget; or to increase the regular budget in favour of the Programme; or to increase extrabudgetary contributions.

22. In conclusion, the Director-General recommended that the meeting define the main features of an effective and realistic role and programme for the United Nations in crime prevention; the implications flowing from that as regards structure and resources; and a plan for achieving the defined goal over time. What was needed was a realistic blueprint with a phased timetable for action, and indications of the level of resources required to permit each phase to be carried out effectively.

B. Attendance

23. The following Member States, which constituted the membership of the Intergovernmental Working Group, were represented at the meeting: Argentina, Australia, China, Colombia, Costa Rica, Cuba, Egypt, France, Germany, Ghana, India, Indonesia, Japan, Libyan Arab Jamahiriya, Malawi, Malaysia, Nicaragua, Nigeria, Philippines, Poland, Sudan, Sweden, Trinidad and Tobago, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

24. The session was also attended by observers from the following States: Afghanistan, Albania, Austria, Bolivia, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Ecuador, Finland, Greece, Hungary, Iran, Islamic Republic of, Iraq, Italy, Kuwait, Lebanon, Malta, Mexico,

Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Peru, Portugal, Qatar, Romania, Saudi Arabia, Switzerland, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, United Arab Emirates, Venezuela, Yemen and Zaire.

25. The representative of the Centre for Human Rights attended the session.

26. The following United Nations bodies and affiliated institutes were represented: United Nations International Drug Control Programme, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, United Nations Interregional Crime and Justice Research Institute, Helsinki Institute for Crime Prevention affiliated with the United Nations, and the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders.

27. The following intergovernmental organizations were represented by observers: Arab Security Studies and Training Centre, Asian-African Legal Consultative Committee, Australian Institute of Criminology, Commonwealth Secretariat, Council of Europe, International Centre for Criminal Law Reform and Criminal Justice Policy and International Criminal Police Organization (INTERPOL).

28. The following non-governmental organizations in consultative status with the Economic and Social Council, category II, were represented by observers: Amnesty International, Asia Crime Prevention Foundation, Howard League, International Federation of Senior Police Officer, International League for Human Rights and Women's International League for Peace and Freedom.

C. Election of officers

29. At the first meeting, on 5 August, the Intergovernmental Working Group elected by acclamation the following officers:

Chairman: Mr. Miguel A. Sanchez Mendez (Colombia)

Vice-Chairman: Mrs. Mervat Talawy (Egypt)
Mr. Sedfrey A. Ordoñez (Philippines)
Mr. Bo Svensson (Sweden)

Rapporteur: Mr. Dusan Cotic (Yugoslavia)

D. Agenda

30. At its first meeting, following statements by the representatives of Germany, Japan and Egypt, the Intergovermental Working Group adopted its agenda, as orally amended.

31. The agenda, 1/ as adopted, is reproduced in annex I.

32. Also at the first meeting, the Intergovernmental Working Group approved its organization of work contained in document A/AC.239/L.1.

E. Documentation

33. The list of documents before the Intergovernmental Working Group is listed in annex II of the present report.

II. REPORT OF THE DISCUSSION

A. Establishment of a more effective international crime and justice programme

Summary of the general debate

34. The Intergovernmental Working Group held a general debate on the establishment of a more effective international crime and justice programme at its 1st, 2nd and 3rd meetings, on 5 and 6 August 1991. During this discussion debate, all participants agreed on the necessity of strengthening international cooperation in crime prevention and criminal justice and of reinforcing the United Nations programme in this field. Other delegations noted that current deficiencies in the programme had been identified by the Committee, Congresses, General Assembly, and individual Member States. These delegations were critical of the lack of opportunities for institutionalized involvement and supervision by Member States, which is particularly damaging to the crime programme in view of the inherently governmental nature of crime control and criminal justice. It was pointed out that this governmental vacuum had resulted in ineffective programme direction, lack of procedures necessary to accomplish orderly priority-setting and implementation, and a proliferation of international instruments not drafted by Member States.

35. A number of delegations from developing countries emphasized their plight in the face of proliferating crime, which was rendered even more acute by their critical economic and social situation. The serious new forms and widening transnational dimensions of crime called for urgent and concerted counteraction by the international Community, especially in dealing with organized crime and illicit drug traffic, economic and ecological offences, violence and terrorism. It was also necessary to upgrade and reinforce national capabilities, since criminal justice systems were often unable to cope with the new realities of crime in the developmental context. More effective preventive policies also had to be instituted, both nationally and internationally. Many delegations thought that the present structure, as

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1/ A/AC.239/L.2.

represented mainly by the Crime Prevention and Criminal Justice Branch, the Committee on Crime Prevention and Control and the congresses, had performed extremely well, taking into account the resource constraints under which it had had to operate. Positive results had been achieved, particularly in standard-setting and in formulating new instruments for international cooperation. Other delegations were critical of the limited opportunities for meaningful participation by Member States in the Crime Programme in general and in standard-setting in particular.

36. Present circumstances and the rapid growth of criminality, both as a domestic and as a transboundary phenomenon, had made this structure inadequate and necessitated radical changes in the current arrangements. It was clear that, with the existing structures, the United Nations was not in a position to effectively implement its numerous mandates emanating from the General Assembly, the Economic and Social Council and the congresses. Some participants, however, believed that, in view of its proven ability, the existing structure could meet the present demands, with increased resources. Other participants maintained that correction of deficiencies could not be achieved within the existing programme because meaningful governmental participation is impossible under present structures and procedures. The strengthening of the programme was therefore perceived differently by different participants. The discussion focussed on three main areas of concern: the Committee on Crime Prevention and Control as a supervisory and expert body; the congresses on the prevention of crime and the treatment of offenders; and the substantive Secretariat of the programme, i.e. the Crime Prevention and Criminal Justice Branch.

37. With respect to the first of these issues, it was generally believed that a functional Commission of the Economic and Social Council should be established and entrusted with the responsibility for the programme of work in crime prevention and criminal justice and for supervising its implementation, with the view to ensuring more governmental involvement. Although it was clear that such a Commission would be composed of Government representatives, some participants emphasized that delegations should include those with substantial expertise in the field, since diplomatic representatives alone would not be in a position to take sufficiently informed decisions on all matters. Diplomatic representatives without expert knowledge in the field would not be in a position to take sufficiently informed decisions. Other participants thought that this problem could be solved by creating a subcommission which would integrate the expertise now represented by the Committee on Crime Prevention and Control. Some delegates were even of the opinion that such a sub-commission would be the present Committee with a different name and structure. These structures were compatible, and indeed, complementary, one being a political instance, and the other providing the requisite expertise. Perhaps the size of the Committee could be reduced to ten or fifteen members. Its functions would be limited to conducting studies and preparing proposals for the commission, serving also as reviewing body for the implementation of United Nations Standards. Its expertise and independence would make it the "scientific conscience" of the Commission. But even if the Committee were abolished, some delegations suggested that the transfer of

functions from it to the Commission should be gradual, which meant, among other things, that the twelfth session of the Committee, scheduled for 1992, should take place as programmed.

38. Other representatives favoured the termination of the Committee, were against the creation of a standing experts' sub-commission, and thought that the Commission could appoint ad hoc groups, if and when needed, to handle specific problems as they emerged. The Commission would thus fully replace the Committee.

39. The new Commission was envisaged by many participants as a means to involve Governments directly in the determination and supervision of the programme. States would thus be in a position to clearly manifest their political will, the absence of which was believed by some to be the reason for the present lack of resources for the programme. The creation of a Commission was felt to be an indispensable condition of a structural reorganization of United Nations activities in crime prevention and criminal justice. It should facilitate genuine reform through institutional change.

40. It was also noted that the elimination of the Committee could result in savings that could be rechannelled towards appropriate activities, particularly in the area of technical assistance, a major need of developing countries. However, it was deemed indispensable to ensure that such savings would produce additional resources for the programme, instead of being reabsorbed into other activities of the Organization.

41. Some delegates thought that the Commission's membership would be between 27 and 32, to be elected by the Economic and Social Council on the basis of the principle of equitable geographical distribution. Others, however, preferred a wider membership. With respect to the frequency of meetings, most delegates believed the Commission should meet every year, though some thought that biennial meetings would be sufficient.

42. In accordance with a proposal submitted to the Group by the representative of France, the new Commission would be asked to consider ways and means for the establishment of a Foundation, in pursuance of Congress resolution 1 on the "prevention of urban crime". The objective of this Foundation would be to promote, from the funds collected, exchanges among practitioners, to support projects designed to implement the Crime Prevention and Criminal Justice Programme, and to facilitate training and information at the local, national and international levels. The proposal was discussed by the Group which sought further information on the background and aims of the proposed Foundation. It was suggested that the Commission could consider the issue in the context of the new Programme. It was indicated that the establishment of the Foundation would be subject to the availability of extra-budgetary resources through voluntary contributions and, therefore, would have no regular budget implications. It was suggested that a Conference Room Paper could be prepared and submitted to the Ministerial Meeting.

43. Concerning the congresses, two delegations were of the opinion that the creation of a commission would make them superfluous. The majority of

delegates, however, were in favour of retaining them, although some changes in their scope and approach were probably necessary. Some participants recalled earlier congresses, at which the main focus was on information exchange, and expressed preference for that format. Many delegations considered the congresses to be a most indispensable and useful part of the programme. Some participants thought that standard-setting as the main activity of the congresses now had to give way to implementation review, but others believed that standard-setting should continue, although perhaps in a more selective fashion and at a reduced pace. There were still areas which were in need of international standards and guidelines, and that would probably remain the case for the years to come. However, the proliferation of resolutions should be avoided. The view was also expressed that Member States should have the opportunity to examine proposals well in advance, before they were brought to the attention of the congresses.

44. Some members felt that the congresses could be simplified, perhaps shortened, and that some preparatory meetings could be eliminated, particularly those at the interregional level. A large number of participants defended the regional preparatory meetings, as most useful. They provided the opportunity for Governments to voice their concerns at the regional level and ensured that their views were reflected in the proposals directed to the congresses. It was also pointed out that regional meetings gave the required regional inputs for the elaboration of the programme that could not be ensured through the necessarily limited representation in the Commission. In addition, they were particularly important for developing countries which often lacked the necessary infrastructure and means for convening such meetings. It was mentioned that the United Nations congresses provided a unique opportunity for professional contacts and the sharing of experience and expertise, and their continuation was endorsed by almost the entire Working Group.

45. However, in the opinion of many delegations, the congresses should no longer have a policy determination responsibility, since this would be incumbent upon the new Commission. Their predominant function should be to serve as world-wide fora and as a major opportunity for intensive exchange of information and expertise. It was also suggested that the contributions of relevant non-governmental organizations should be fully integrated into the Congress programme. Although one delegate suggested that their current five-year cycle could be extended, the majority were of the opinion that the current cycle should be preserved.

46. The majority of the participants were of the opinion that the present level of human and financial resources allocated to the substantive Secretariat, i.e., the Crime Prevention and Criminal Justice Branch, was largely inadequate for the proper fulfilment of its tasks. Additional resources were indispensable if the rapid increases in crime, its menacing transboundary dimensions and the ever-growing needs of States in this field were to be addressed. Many countries were in dire need of technical assistance if they were not to succumb under the combined attack of domestic and transnational criminality. These countries, which did not possess the

necessary resources for effective crime control, had to be assisted by the international community, and the United Nations was the proper channel for this cooperation.

47. A proposal was made to double the level of resources and size of the Branch between now and the next congress in 1995. Moreover, the Branch, in the opinion of many participants, should be up-graded at least to the level of a Division. Other delegations considered it premature to discuss the level of Secretariat resources for the crime programme before the new Commission itself began reassessing the past crime programme and making decisions on the nature of the future programme. Support was also expressed by some participants for the creation of a specialized agency dedicated exclusively to crime prevention and criminal justice. Other participants felt that the present level of resources should not be affected by the proposals of the Intergovernmental Working Group, since the zero-growth budget principle of the United Nations should not be breached. An opinion was expressed too, that, while some additional resources could be made available to the Secretariat, subject to the existence of savings from the discontinuation of preparatory meetings and the congresses, the upgrading of the Crime Prevention and Criminal Justice Branch had to be placed in the context of the present structure of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna.

48. The idea of an international convention on international cooperation in criminal matters was also raised, and a draft document (A/AC.239/CRP.6) was submitted by Costa Rica in the hope of eliciting comments and suggestions from other delegations before the November Ministerial Meeting. In her statement, she called attention to the necessity and desirability of including a recommendation on the need to elaborate an international instrument on crime prevention and criminal justice, since it was high time that the international community considered such an instrument, in the form of a convention, which would provide an authoritative framework for the United Nations Crime Prevention and Criminal Justice Programme, enhance its dynamics and elicit increased international support. Such a convention could reflect the concern of the signatory States about the magnitude of crime and its detrimental effects on citizens and communities, stressing the international aspects of crime and the need for strengthened international action. It could also acknowledge United Nations leadership in crime prevention and criminal justice and, while reaffirming the guiding principles of existing standards and norms, recognize the compelling necessity to reinforce and supplement existing arrangements for international cooperation.

49. For this reason a proposal had been submitted to the Group, as a first draft of such an instrument, seeking the views and comments of participants. In this connection, an analogy was drawn with the International Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances which the international community had adopted to deal with the drugs phenomenon. The importance of crime, which was a problem with many more ramifications than drugs commanded a similar approach. In light of the time constraints, the Group was of the view that the matter could most appropriately be addressed by

the new Commission when determining the necessary modalities of international cooperation in the context of the future Crime Prevention and Criminal Justice Programme.

50. The regional and interregional institutes, in particular those in developing regions, should, in the opinion of several participants, be organically integrated into the programme, including their financing, so that they could truly contribute to the efforts of the international community in this field. These institutes could be an effective means of organizing and channelling technical cooperation to Member States in need of it.

51. Many delegations discussed the scope and content of the new programme, as well as the need for priorities and the criteria that should be used in setting them. In this connection, some participants expressed their countries' concerns about particular forms of crime, while others were of the opinion that it would be appropriate for the Working Group to identify certain priority areas on which the new programme should focus during the first years, perhaps on an experimental basis. The majority of the participants, however, thought the Group should not preempt the Commission in setting the priorities of the programme. The Group's function was to define the scope of the programme, provide broad guidelines as to its content, and establish the criteria for priority-setting. It would then be left up to the Commission to elaborate further, assess the pressing needs of Member States and act accordingly. It was also stressed that, in the context of establishing these criteria, due account had to be taken of the respective systems of different countries. Furthermore, Member States were urged, in dealing with the multi-faceted aspects of crime and criminal law reform, to ensure that their domestic criminal and procedural laws adhered to the human rights standards and humanizing criteria and objectives adopted by relevant United Nations bodies and organizations.

52. With respect to the specific aspects of the content of the future programme, particularly with reference to its scope at the national, transnational and international levels, the limited time available did not permit a thorough review of the various issues involved. It was decided, therefore, to call the attention of the ministerial meeting, for its further consideration, to the relevant proposals contained in the draft resolutions submitted by the representative of Australia on behalf also of India, Japan, Libyan Arab Jamahiriya and Malaysia (A/AC.239/L.3, Chapter II, paras. 4-26).

53. The Group heard also statements by the representatives of the Council of Europe, the Commonwealth Secretariat, the Centre for Human Rights, the International Criminal Police Organization and Amnesty International. The representatives of the Council of Europe and the Commonwealth Secretariat stressed the proximity of the concerns of these organizations with those of the United Nations in the field of crime prevention and criminal justice. A more vigorous role of the United Nations in this field was needed and would be welcome. They were of the opinion that there was a need for a strengthened and more effective United Nations programme, and that since congresses served a useful purpose, their existence should not be placed in jeopardy. Work at

the regional level should by all means be continued but crime problems with larger dimensions demanded a broader approach and solutions at the international level.

54. The Centre for Human Rights and ICPO/Interpol representatives expressed satisfaction at the present level of cooperation with the Crime Prevention and Criminal Justice Branch and called for it to be increased in the future so as to avoid the possibility of overlapping of activities. Other observers emphasized the usefulness of the congresses as a unique forum and expressed the hope that they would continue. Technical assistance and advisory services were considered to be among the most constructive functions of the United Nations, but a radical infusion of resources was necessary for their scope and impact to be increased.

B. Conclusions and recommendations for the future of the United Nations crime prevention and criminal justice programme

Action taken by the Working Group

1. The Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

55. At the 1st meeting, on 5 August 1991, the representative of Australia made a statement, in the course of which he introduced, on behalf of Australia, India, Indonesia, Japan, Libyan Arab Jamahiriya and Malaysia, a draft resolution (A/AC.239/L.3) entitled "The Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme".

56. The draft resolution read as follows:

The Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

The intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme,

After extensive discussion, during its session held in Vienna, Austria, from 5 to 9 August 1991, on the functioning and programme of work of the United Nations in crime prevention and criminal justice, hereby presents to the Ministerial Summit Meeting, to be held in Paris, France, from 21 to 23 November 1991, for its consideration, the following draft resolution, Statement of Principles and Programme of Action for approval by the General Assembly at its forty-sixth session:

Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

The General Assembly,

Recalling its resolution 45/108 of 14 December 1990 on the "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", by which the Assembly decided to establish an intergovernmental working group to elaborate proposals for an effective United Nations crime prevention and criminal justice programme, and invited Member States, in consultation with the Secretary-General and the Chairman of the Committee on Crime Prevention and Control, to convene an early Ministerial Meeting, the conclusions and recommendations of which should be submitted to the General Assembly for appropriate action,

Having considered the report of the Ministerial Summit Meeting, held in Paris from 21 to 23 November 1991,

1. Adopts the Statement of Principles and Programme of Action on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme annexed to this resolution;

2. Invites Member States to give their political and financial support and to take measures which would ensure the implementation of the provisions of the Statement of Principles and Programme of Action as they relate to the strengthening of the United Nations Crime Prevention and Criminal Justice Programme in terms of structure, contents and priorities;

3. Requests the Secretary-General to take the necessary action and to provide adequate resources for the effective functioning of the new Programme in accordance with the principles outlined in the present Statement of Principles and Programme of Action;

4. Urges all entities of the United Nations system, including the regional commissions, the crime prevention and criminal justice institutes, the specialized agencies and the relevant intergovernmental and non-governmental organizations, to become actively involved in assisting the United Nations Crime Prevention and Criminal Justice Programme in fulfilling its tasks;

5. Requests the Department of Technical Co-operation for Development of the Secretariat, the United Nations Development Programme, and other funding agencies to provide assistance and support to the Programme, enabling it to establish a viable system of technical co-operation and assistance in crime prevention and criminal justice in order to be able to respond to the pressing needs of developing and smaller countries and those in the transition process;

6. Requests the Economic and Social Council, at its 1992 first regular session, to ensure proper follow-up of the action taken by the General Assembly;

7. Requests the Secretary-General to report to the forty-seventh session of the General Assembly on the measures taken to implement the Statement of Principles and Programme of Action;

8. Decides to include in the provisional agenda of its forty-seventh session the item entitled, "Crime prevention and criminal justice".

Annex

Statement of Principles and Programme of Action on the Creation of an effective United Nations Crime Prevention and Criminal Justice Programme

We, the Ministers of Justice and Interior of the States Members of the United Nations,

Assembled in Paris to consider ways and means of promoting international cooperation in crime prevention and criminal justice and strengthening the United Nations Programme related thereto in order to make it fully effective and responsive to the needs and priorities of Member States;

Reaffirming the responsibility assumed by the United Nations in crime prevention and criminal justice, in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950;

Bearing in mind the objectives of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, observance of human rights and promotion of the highest standards of fairness, humanity and professional conduct;

Alarmed by the high social and economic costs of crime and aware that its consequences involve a substantial drain on the economies of many countries, as well as loss and damage to the victims of crime;

Reaffirming the need for concerted and systematic efforts by the international community towards more effective crime prevention and criminal justice policies and strategies;

Reaffirming also the importance of United Nations congresses on the prevention of crime and the treatment of offenders which have influenced national policies through the exchange of experience and expertise, mobilization of public opinion, and recommended lines of action at the national, regional and international levels;

Recognizing the results already achieved by the United Nations in the field of crime prevention and criminal justice, including the standards, norms, guidelines and model treaties developed, as well as the contributions of the United Nations regional and interregional institutes in this field;

Deeply concerned about the steady rise of crime in many parts of the world, particularly in dangerous new forms and transnational dimensions, and desirous to ensure a safer environment and a better quality of life;

Acknowledging the valuable contributions of Governments, intergovernmental and non-governmental organizations and individual experts in shaping the United Nations Crime Prevention and Criminal Justice Programme;

Convinced that a successful Programme to reduce crime cannot be based only on policies for its control and must include a comprehensive prevention policy which reinforces common values, stresses personal and public responsibility for counteracting crime and its causes including planned social, urban and community development leading to a reduction of opportunities for offending and victimization;

Emphasizing that the prevention of crime is the concern of all citizens and institutions in society and that preventive policies must be implemented also at the local and community levels;

Recognizing the role of criminal law in the protection of nature and the environment which is threatened by natural and man-made disasters and other detrimental influences disrupting the ecological system;

Recognizing also that the growing threat of organized crime, with its corrupting influence on fundamental social, economic and political institutions, demands concerted international strategies against it;

Aware of the grave menace that national and international terrorist criminal activities pose to social and political stability, and that the rapid internationalization of these criminal operations require an appropriate, internationally co-ordinated, response;

Alarmed at the growing links between illicit drug-trafficking, terrorist activities and illicit trafficking in arms, enabling transnational criminal organizations to influence fundamental social, economic and political institutions, including the destabilizing of Governments;

Noting that violence and criminality take a heavy toll and impose enormous human and material costs upon society, jeopardizing sustained development, peace and security;

Desirous to strengthen regional and international cooperation and to foster further progress in combating crime, humanizing the criminal justice system, and safeguarding the rights of victims of crime;

Determined to translate our political will into concrete action by:

(a) Creating the essential mechanisms for practical collaboration against common problems of crime;

(b) Providing the framework for inter-State cooperation to respond to the serious new forms and transnational aspects and dimensions of crime;

(c) Designing appropriate procedures to translate United Nations norms, standards and guidelines into concrete practice and monitoring their observance;

(d) Providing means of technical cooperation and assistance for more successful crime prevention and more humane justice; and

(e) Establishing an adequate resource base for a truly effective United Nations Crime Prevention and Criminal Justice Programme, addressing the most serious problems confronting the international community of nations.

Proclaim our strong commitment to the above principles and agree on the following:

1. We recognize that the world is experiencing fundamental changes resulting in a political climate conducive to democracy and the wider enjoyment of basic human rights and fundamental freedoms. Notwithstanding these developments, the world today is still beset by violence, social conflicts, and other forms of serious crime. These phenomena, wherever they occur, constitute a threat to the maintenance of the rule of law, endanger the stability of our countries and hence constitute a threat to peace and security.

2. We believe that rising crime is impairing the process of development and the general well-being of humanity, and causing general disquiet within our societies. Should this situation continue progress and development, and hence peace and security, will be the ultimate victims of crime.

3. We also believe that the growing internationalization of crime must generate new and commensurate responses. Organized crime is exploiting the relaxation of jurisdictional and geographic boundaries designed to foster legitimate trade and hence development. All indications point to further increases in the incidence and scope of such crimes in the coming years, unless sound preventive measures are taken. It is thus particularly important to anticipate events and mount suitable preventive and control strategies.

4. We recognize that many criminal offences have international dimensions and harmful consequences. There is an urgent need to overcome problems arising in collecting evidence, extraditing suspects and promoting mutual assistance, when such offences are committed across frontiers or frontiers are used to escape detection or prosecution. Despite the differences in legal systems, experience has shown that mutual assistance and common strategies can help to bridge the gaps and to constitute effective counter measures.

5. We stress the links between crime prevention, criminal justice and the maintenance of peace and security. Democracy and a better quality of life can flourish only in a context of peace and security for all. Crime poses a threat to stability and a safe environment. Crime prevention and criminal justice, with due regard to the observance of human rights, is thus a direct contribution to the maintenance of peace and security.

6. We must reduce the lag between the capabilities and capacities of the perpetrators of crime and those of law enforcement and criminal justice. By pooling our knowledge and developing suitable countermeasures, success in the prevention of crime and the reduction of victimization can be maximized.

7. We call on the international community to increase its support of technical cooperation and assistance activities for the benefit of all countries including developing and smaller countries and for the purpose of expanding and strengthening infrastructures needed for effective crime prevention and viable, fair and humane criminal justice systems.

8. We believe that justice based on the rule of law is the pillar on which civilized society rests. We seek to improve its quality. A more humane and efficient criminal justice system can be an instrument of equity, constructive social change and social justice, protecting basic values and peoples' inalienable rights. Every right of the individual should enjoy the protection of the law against violation, a process in which the criminal justice system plays an essential role.

9. We acknowledge the contribution of the United Nations crime prevention and criminal justice programme in disseminating to the international community new developments, policies and strategies in crime prevention and control, and the impact on, and treatment of, victims as well as the formulation of relevant model treaties, norms, standards and guidelines in these fields. We also note the long recognized inadequate resources devoted to the implementation of the programme, which has in the past been inhibited from achieving its potential.

10. We note that both the Sixth and Seventh Congresses called for a strengthening of the resources devoted to the Crime Prevention and Criminal Justice Programme and that the Committee on Crime Prevention and Control, at its eleventh session, devoted special attention to programme review in pursuance of General Assembly resolution 44/72. The Committee unanimously approved a report on the need for the creation of an effective international crime and justice programme (E/1990/31/Add.1), in which it is stated, inter alia, that "the United Nations is the only existing entity that has the general mandate and the international constituency necessary to provide countries with effective assistance in preventing and controlling national and transnational crime. It lacks, however, the organizational capacity to discharge this responsibility fully and effectively." This report, which was endorsed by the Eighth Congress, was used as a basis for our recommendations, in accordance with General Assembly resolution 45/108.

11. We agree with those calls and findings and recommend intensified international cooperation in crime prevention and criminal justice, including the creation of an effective international crime prevention and criminal justice programme in which the United Nations should play a leading role.

12. We are convinced that there is a need for a clearer definition of the role, function and priorities of the United Nations Programme in this field at the intergovernmental level, as well as the Secretariat level, so that the expectations of Member States can reasonably be met.

13. We strongly believe that the review of the Programme should aim at strengthening its effectiveness and improving its efficiency, and at establishing an adequate Secretariat support structure.

I. Goals of the Programme

1. The United Naitons Crimine Prevention and Criminal Justice Programme shall have as its principal objective the curtailment of the incidence of crime and the reduction of the effects of crime upon individuals, communities and States.

2. The United Nations Crime Prevention and Criminal Justice Programme shall be designed to meet the pressing needs of the international community and to assist countries in meeting problems of both national and transnational crime. It shall encompass all forms of assistance that is highly practical, and provide it in a timely fashion, ranging from information gathering and exchange and joint research, to investigative and judicial collaboration and the promotion of joint strategies to deal with crime problems of common concern.

3. The general goals of the Programme shall be:

(a) The prevention of crime, particularly in its most serious forms, within and among States;

(b) The reduction of crime both nationally and internationally;

(c) The strengthening of international cooperation in crime prevention and criminal justice;

(d) The integration and consolidation of the efforts of Member States in preventing and combating transnational crime;

(e) More efficient and effective administration of justice, with due respect for human rights;

(f) The promotion of the highest standards of fairness, humanity, justice and professional conduct; and

(g) The achievement of those goals in the most effective and efficient manner.

II. Scope of the Programme

A. National level

4. At the national level, the Programme shall offer the requisite practical information, advice, training and services necessary to foster the adoption of appropriate laws and procedures, the development of programmes for crime prevention, and the effective operation of the components of the criminal justice systems. It shall be able, upon request, to provide general assistance and specific assistance when required. It shall help to generate and assess reliable data concerning crime and the operation of national justice systems, to enhance the contribution of criminological research, and to stress the importance of ongoing evaluation and re-evaluation of national programmes and of existing legal and procedural approaches, with a view to introducing the necessary changes warranted by new realities and requirements.

5. The Programme shall assist States by advancing policies and practices in the development of regular means of collecting accurate data on the incidence and characteristics of crime, in analyzing and assessing such data, and in evaluating the efficacy of existing and potential preventive measures and of current and potential criminal justice processes, in particular, policies, procedures, regulations, and laws to reduce the high social and economic costs of crime.

6. The Programme shall assist States in developing practical and fair criminal codes and laws, both substantive and procedural, tailored to their legal systems, cultures, traditions and special needs.

7. The Programme shall assist States in the development of preventive measures to reduce the severity and extent of national crime. These measures shall include model strategies and programmes designed to inhibit crime; to make it more difficult for offenders to commit crimes, to escape detection, and prosecution and to profit from their crimes; to reduce public tolerance for crime and to increase public involvement in, and support for, crime reduction strategies.

8. The Programme shall promote the development and application of sound policing and other techniques that will increase public confidence in the operational capacity and integrity of law enforcement agencies.

9. The Programme shall promote better investigative practices, including improvement in the application of modern technological and forensic methods in the acquisition and examination of reliable evidence.

10. The Programme shall make available information and advice that will assist States in developing and maintaining procedures for charging and judicial determination that are fair, timely, and effective, thereby increasing public confidence in the criminal justice system.

11. The Programme shall make available information and advice that will help States to ensure that:

(a) Officials acting on behalf of the public who are responsible for the supervision of the collection of evidence, the decision to lay charges and the adducing of evidence, adhere to high professional standards;

(b) Counsel responsible for acting on behalf of accused persons adhere to high professional standards, are free to provide legal assistance and advice to such accused persons, are able to collect and present evidence favourable to the accused, and to call attention to perceived injustices;

(c) Officials and others responsible for evaluating evidence, ascertaining facts, and adjudication are free to exercise their independent judgement based upon the applicable legal principles to the evidence before them.

12. The Programme shall encourage States to develop reasoned and balanced sentencing options based upon clear purposes to be served by sentences, that result in sanctions designed to achieve those purposes, minimize the chance of unjustified disparity in sentences, take cognizance of the needs of victims, the offenders of society and that recognize the importance of non-institutional sanctions and the use of institutional sanctions only as a measure of last resort.

13. The Programme shall encourage States to make available means of appeal of findings of guilt including, where appropriate, a review of the propriety of the trial process of individual cases.

14. The Programme shall assist States to develop and implement sound policies to assure the administration of criminal sanctions in a manner that can achieve the purposes for which they were imposed, while minimizing adverse consequences to the society, to victims, and to offenders.

15. The Programme shall assist States to develop appropriate measures of redress and assistance for the victims of crime.

B. Transnational level

16. At the transnational level, the Programme shall seek to counteract incentives to crime and impediments to the administration of justice posed by national geographic and jurisdictional limitations.

17. The Programme shall collect data concerning the incidence, characteristics and trends of transnational crime and of crimes having a transnational dimension; analyze and assess such data, evaluate the efficacy of existing and potential preventive and criminal justice measures, and of existing and possible means of international cooperation in responding to such crime. In particular, it shall assist States in determining the true costs of transnational crime and crime having a transnational dimension in developing appropriate policies and agreements to reduce those costs.

18. The Programme shall promote cooperative arrangements and offer information, advice, training and advisory services or other technical assistance necessary to draft, refine and secure the widespread adoption and use of multilateral and bilateral agreements designed to achieve effective international cooperation in:

(a) Assisting States, at the investigative and judicial levels, to enforce their national penal laws with regard to crimes having transnational aspects in their planning, execution, or concealment;

(b) Ensuring that a charged person is made available for trial in the State initiating the charge, or, where appropriate, is tried for that alleged criminal conduct in another jurisdiction; and

(c) Facilitating the execution of sentences, including orders involving assistance to victims and orders such as confiscation or pecuniary penalty orders affect assets located outside the jurisdiction of the State in which the sentence is imposed.

19. The Programme shall assist States in utilizing preventive measures to reduce problems of transnational crime. These measures shall include the development and improvement of strategies and programmes intended to render transnational crime less attractive; to render it more difficult for persons to commit transnational crimes; to escape detection, and to profit from their crimes; and to increase States' involvement in, and support for, crime reduction strategies.

20. The Programme shall formulate such standards and strategies as the Commission on Crime Prevention and Criminal Justice and United Nations policy-making bodies deem necessary in order to combat emergent forms of transnational criminal activity.

C. International level

21. The Programme shall monitor the implementation of existing United Nations instruments, standards, norms and guidelines and upon request, provide the requisite technical assistance to Member States for this purpose.

22. The Programme shall assist developing and smaller countries in the practical implementation of United Nations standards and norms through advisory services and various other means of technical assistance. Such services shall include adapting the United Nations standards and norms to national circumstances and requirements.

23. The Programme shall promote effective, voluntary and cooperative efforts by States in undertaking collective actions to prevent and counteract crime. It shall also carefully evaluate, on a continuing basis, the practical potential for international responses to crime, through permanent or temporary institutions of a subregional, regional, or universal character, including bodies on which jurisdiction might be conferred in appropriate cases, with a view to preventing and investigating crimes, trying persons, imposing and administering sentences.

24. The Programme, in cooperation with other relevant entities of the United Nations system, shall establish procedures for monitoring events with a view to curtailing victimization, and develop international means of recourse and redress for victims where national channels may be insufficient.

25. The Programme shall assist Member States in developing means of conflict resolution, crisis intervention and longer-term problemsolving designed to reduce violence and victimization, and to promote social peace and security.

26. In the implementation of the Programme, special attention shall be accorded to technical cooperation and assistance in crime prevention and criminal justice, including strengthened advisory services and the appointment of regional, subregional and technical advisers to complement the services of the Interregional Adviser.

III. Programme priorities

27. In planning the United Nations Crime Prevention and Criminal Justice Programme, the Commission on Crime Prevention and Criminal Justice is not bound by existing mandates but shall assess them on their merits and it shall determine priority areas in accordance with the following criteria:

(a) The need to focus on crime that exacts the greatest social, economic and other costs;

(b) The need to focus on measures that, consistently with the maintenance of fundamental human rights, would be most likely to:

(i) Prevent crime;

(ii) Reduce or mimize the costs associated with crime or with the operation of the criminal justice system;

(iii) Improve the efficiency of the criminal justice system; or

(iv) Promote a fair and humane criminal justice system.

(c) The needs of countries lacking the expertise and other resources necessary to plan and manage appropriate local and national crime prevention and criminal justice programmes, with particular attention to advisory services and other forms of technical cooperation, including training;

(d) Areas in which concerted activities at the international level and within the framework of the United Nations Programme would be most effective;

(e) The need for the United Nations Programme to avoid areas that fall within the responsibility of other divisions and agencies of the United Nations;

(f) The need, in assessing past programmes and future work, to effect an appropriate balance between programmes for the protection of human rights in the administration of justice and programmes for the prevention and control of crime;

(g) The drawing of an appropriate balance in components of the Programme between programme development and programme implementation; and

(h) Have regard to the most efficient and effective use of resources in applying the above criteria.

IV. Structure and management of the Programme

A. Commission on Crime Prevention and Criminal Justice

28. A Commission on Crime Prevention and Criminal Justice shall be established. As an intergovernmental body, the Commission shall be the primary United Nations body providing guidance in the field of crime prevention and criminal justice, responsible for the formulation of specific crime prevention and criminal justice policies, setting programme priorities and overseeing the implementation of the programme of work.

1. Membership of the Commission

29. The Commission shall consist of _____ Member States of the United Nations, elected by the (Economic and Social Council/General Assembly), on the basis of the principal of equitable geographical distribution. Its members shall serve for a term of four years except that the terms of one half of the first elected members, determined by secret ballot, shall expire after two years. Each Member State shall ensure that it is represented by Governmental experts and senior officials with special training and practical experience in crime prevention and criminal justice, preferably with policy responsibility in the field. The Commission shall have the power to create Sub-Commissions, working groups and to appoint Special Rapporteurs, as it deems necessary.

2. Sessions of the Commission

30. The Commission shall hold annual sessions for a period of ten working days and has the power to determine its rule of procedure. The Commission may decide to authorize the holding of meetings of Sub-Commissions or of working groups or the appointment of Special Rapporteurs to carry out specific tasks.

31. The Commission shall discharge its tasks in a focused and timely fashion. The Secretary-General shall support the Commission in fulfilling its responsibilities and take the appropriate administrative and organizational steps to ensure that it is able to perform its functions As the central United Nations organ for coordination of United Nations activities in this area, the Commission shall define in precise terms the course of action to be taken and seek the cooperation of all the organizations concerned.

3. Functions of the Commission

32. The Commission shall have the following functions:

(1) To develop and review short, medium and long term plans for the implementation of specific crime prevention and criminal justice projects, assuring that such projects are directed to productive and practical work on crime and justice problems of major importance;

(2) To set Programme priorities in response to the needs and concerns of Member States on the basis of the criteria set out in Section III and to submit to the United Nations policy-making bodies, for their approval, programmes of international cooperation and other proposals related to crime prevention and criminal justice;

(3) To promote and monitor the implementation of United Nations norms, standards and guidelines in crime prevention and criminal justice, and provide technical advice on the most effective means of ensuring the practical application of these instruments;

(4) To review and appraise on a regular basis the problems encountered and the results achieved in the implementation of the Programme, and assess the extent to which Member States are able to mobilize their collective efforts to combat transnational crime and crime with transnational dimensions and advance multilateral cooperation against it;

(5) To serve as a preparatory body for the United Nations congresses on the prevention of crime and the treatment of offenders, and provide the Secretariat with appropriate policy guidance on the organizational and substantive congress arrangements, taking into account the priority issues of direct concern to Governments and need for a well-focused approach;

(6) To examine the conclusions and recommendations of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, as well as the resolutions and decisions of United Nations policy-making bodies, with a view to providing guidance on their effective implementation and the priority in the Programme as a whole;

(7) To coordinate the activities of other organs and bodies of the United Nations system bearing on crime prevention and criminal justice, and establish close working relationships with other relevant entities, including United Nations bodies dealing with human rights in the administration of justice.

33. The Commission, in planning the implementation of the Programme, shall reassess the operation and activities of the regional and interregional institutes for crime prevention and control, and shall work closely with Governments, the institutes and other entities concerned in redefining their interrelationships under the new Programme, in order to assure the most efficient pursuit of the purposes and goals of the Programme.

34. The Commission shall maintain effective channels of communication with other relevant bodies and international organizations and shall promote the integration of regional inputs into the consideration of global crime prevention and criminal justice issues.

35. The Commission shall report to the Economic and Social Council, the General Assembly and other relevant United Nations bodies, as required.

B. United Nations congresses on crime prevention and criminal justice

36. In accordance with General Assembly resolution 415 (V), the United Nations has organized eight world crime congresses. They serve as global events and world-wide forums for the comparison of experience and articulation of national and global concerns. They have influenced national policies by allowing the exchange of expertise, mobilizing public opinion, recommending lines of action at various levels, and focusing attention on major issues of interest to Member States and the professional and scientific community. The Congresses have been the centre of far-reaching debates, negotiations and decisions, leading to the promulgation of standards, norms, guidelines and model treaties, as well as the development of viable policy approaches to crime-related issues. Their value has been repeatedly reaffirmed by the General Assembly and the Economic and Social Council, as well as the world crime prevention and criminal justice constituency as a whole.

37. In order to enhance the effectiveness of the crime congresses and achieve optimal results, the following arrangements are to be implemented:

(1) Following past practice, these congresses are to be held every five years, for ten working days;

(2) Special attention shall be paid, by the Commission on Crime Prevention and Criminal Justice in its capacity as the organizing body in preparing for the congresses, a selection of precisely defined topics, so as to ensure a focused and productive discussion;

(3) Ancillary meetings associated with the congress should be encouraged, as well as practically oriented research workshops, on carefully selected and clearly defined topics.

C. Organizational structure of the Secretariat and of the Programme

38. The Programme is to have an organizational and support structure commensurate with its important purposes. In its overall operations it shall be structured in a manner enabling it to carry out its work effectively and efficiently. It is to have the ability and autonomy to communicate directly with its constituency and interact with Member States on a timely and continuing basis. The Programme's Secretariat is to implement the design, survey, research, training, technical assistance and management work required for all aspects of the Programme described in this Statement of Principles and Programme of Action. It shall offer practical information on crime prevention and criminal justice at the international, regional, subregional, national and local levels, including through the further development of the United Nations global Crime Prevention and Criminal Justice Information Network, which should serve as a universal system for collecting relevant comprehensive data on the incidence, impact, trends and characteristics of crime and the effects of various responses to it. It is also to serve as a central repository for such data and for other crime and justice information, including criminological research, legal and training materials that would be of assistance to Member States and to the Secretariat in meeting their respective responsibilities.

39. The Programme Secretariat is to be responsible for providing organizational and substantive assistance to the Commission on Crime Prevention and Criminal Justice and, subject to its directions, for the preparation of the United Nations congresses and associated events. It is to design a practical system of technical cooperation and assistance capable of meeting the needs of Member States.

40. The following arrangements are implemented:

(1) The Crime Prevention and Criminal Justice body of the Secretariat is established as a separate entity, and shall be provided with the necessary human and financial resources in order to enable it to implement its programme of work as determined by the Commission on Crime Prevention and Criminal Justice;

(2) The United Nations Programme in this field is called the United Nations Crime Prevention and Criminal Justice Programme. The professional staff of the Programme are to be called Crime Prevention and Criminal Justice Officers, reflecting the specificity and specialization of this sphere of work;

(3) The Programme shall be directed by a senior official responsible for the overall day to day management and supervision of the Programme, communicating with the relevant Government officials, the specialized agencies and intergovernmental organizations whose activities are relevant to the Programme.

V. Funding of the Programme

41. The Programme shall be funded from the regular budget of the United Nations. Funds allocated for technical assistance may be supplemented by direct voluntary contributions from Member States and interested funding agencies. Member States are encouraged to make contributions to the United Nations Trust Fund for Social Defence, to be renamed the Crime Prevention and Criminal Justice Fund. They are also encouraged to contribute in kind for the operational activities of the Programme, particularly through the secondment of staff, organization of training courses and seminars, and provision of the requisite equipment and services.

57. At the 3rd meeting, on 6 August 1991, the Working Group, on the proposal of the Chairman, decided to hold informal consultations on the draft resolution under the Chairmanship of Mr. Bo Svensson (Sweden), Vice-Chairman of the Working Group.

2. Conclusions and Recommendations for the Future of the United Nations Crime and Justice Programme

58. At the 3rd meeting, on 6 August, the representative of France drew the attention of the Working Group to a draft resolution (A/AC.239/L.4) entitled "Conclusions and Recommendations for the Future of the United Nations Crime and Justice Programme", which had been submitted by his delegation.

59. The draft resolution read as follows:

Conclusions and Recommendations for the Future of the United Nations Crime and Justice Programme

The Intergovernmental Working Group which met in Vienna from 5 to 9 August 1991 to examine the United Nations Programme for the Prevention of Crime and Treatment of Offenders, and methods for its implementation and follow-up, recommends to the members of the ministerial summit to be held in Paris in November 1991 the adoption of the following draft resolution:

The members of the Paris summit,

Deeply concerned by the extent and growth of crime, and its harmful effect on human, social, economic and financial institutions,

Alarmed by the cost of crime in terms of human and material resources, notably in its new and transnational forms, and aware of its consequences both for certain States and for its victims,

Recognizing that crime calls for a concerted response on the part of the international community, aimed at preventing crime, and reducing opportunities for criminal acts, and at a manifest strengthening of the principles of criminal justice,

Conscious of the fact that one of the objectives of the United Nations, as enshrined in its Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Convinced of the urgent need for more effective and more responsive international machinery to assist States and facilitate joint strategies in common areas, notably consolidating the motivating role of the United Nations in that respect,

Considering that crime prevention and criminal justice, in the context of development, should be guided by the principles contained in the Caracas Declaration, the Milan Plan of Action, the guiding principles of the United Nations for crime prevention and criminal justice in the context of development and a new international economic order, and other relevant instruments elaborated by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recognizing that it is essential to find active support and means of assistance for the development of an effective programme for crime prevention and criminal justice, and appropriate mechanisms for its implementation,

Decides that, for the next four years, the following criteria will be employed for establishing priorities in the application of the United Nations programme:

(a) The social, financial and other costs of the type of crime in question for the local, national and international community;

(b) Social, financial and other cost, and the effectiveness of the methods of combating such crime for individuals, and the local, national and international community;

(c) The needs of States, whether developing countries or developed countries confronting specific difficulties related to the evolution of national or international circumstances, recourse to experts and other resources necessary for programming and adapting programmes for crime prevention and criminal justice which are appropriate at national and local level;

(d) The areas in which activities coordinated at the international level and included in the United Nations programme could be most effective;

(e) Concern to avoid any duplication of programmes of activities of other United Nations bodies or other entities;

Points out that the development of crime in all its forms, at international, national and local level, is a major preoccupation of all States, and that crime prevention and the treatment of offenders should consequently be given top priority in the activities of the United Nations;

Notes, with regard to the information gathered as part of the preparation for the Paris summit from various participating States, that crime prevention in urban areas is a priority in view of the information referred to above, and decides, for a period of four years, to select this subject in order to test new and appropriate mechanisms for implementing the United Nations Programme for the Prevention of Crime and the Treatment of Offenders;

Recommends the creation of a subsidiary organ of ECOSOC to be called the "United Nations Commission on Crime Prevention and Criminal Justice", whose task will be to set priorities for the programme and guide its activities. The States Members of this Commission will number 30, elected for three years by ECOSOC, on the basis of the distribution principle contained in resolution 45/108 and with a third re-elected annually. The initial composition of the Commission will be the same as that of the working group established by resolution 45/108 and its first re-election will take place by drawing lots within each geographical group;

Entrusts to the Commission thus constituted the establishment, with the support of the United Nations Secretariat and the expert committee for crime prevention, of a plan of action for the implementation of directives on crime prevention, the submission at the same time of a report on the implementation of the priority "crime prevention in urban areas", and the proposal, in application of the above-defined criteria, of priorities for the future programme of work;

Invites the branch of the United Nations Secretariat responsible for crime prevention and criminal justice to assist the Commission, in collaboration with competent non-governmental organizations and the expert committee for crime prevention, in preparing a report on the implementation of appropriate technical assistance activities relating to "crime in urban areas", and on draft measures which could be submitted to the next United Nations Congress on Crime Prevention and the Treatment of Offenders;

Reaffirms in addition the essential role and responsibility of the branch of the United Nations Office at Vienna as a permanent body responsible for:

The preparation of the United Nations congresses,

The decision to use the resources available to the United Nations for implementing a crime prevention and criminal justice programme, including those of regional and interregional institutes,

The mobilization of all existing resources including institutes, NGO's, intergovernmental organizations and all competent authorities in implementing United Nations crime prevention and criminal justice programmes,

The active follow-up as part of a multi-annual plan of the implementation by Member States of the said programme,

The evaluation of progress achieved and analysis of difficulties encountered;

Invites the Secretary-General of the United Nations to strengthen in consequence the material and human resources at the disposal of the Crime Prevention and Criminal Justice Branch, in order to double them by the end of the experimental phase of four years, after which a re-evaluation of the said resources will be undertaken;

Invites non-governmental and intergovernmental organizations and all other relevant organizations to increase their contribution to the implementation of the priority objectives identified on the basis of the criteria defined above;

Recommends the setting up of a foundation with the task of assembling, under the auspices of the Crime Prevention and Criminal Justice Branch, international initiatives aimed at raising funds to support certain projects involving practical measures to implement the United Nations Crime Prevention and Criminal Justice Programme at local, national and international level, and to facilitate the establishment of information exchange and cooperation and assistance networks at local, national and international level;

Requests the Secretary-General of the United Nations to transmit to the United Nations General Assembly the present draft resolution for consideration and approval.

60. At the 3rd meeting, the Working Group, on the proposal of the Chairman, decided to hold informal consultations on the draft resolution under the Chairmanship of Mr. Bo Svensson (Sweden), Vice-Chairman of the Working Group.

3. Establishment of an Effective Crime and Justice Programme

61. At the second meeting, the representative of the United States of America made a statement and drew the attention of the Working Group to a draft resolution (A/AC.239/L.5) entitled "Establishment of an Effective Crime and Justice Programme", which had been submitted by his delegation.

62. The draft resolution read as follows:

Establishment of an Effective Crime and Justice Programme

The Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme recommends to the General Assembly, at its forty-sixth session, through the Ministerial Meeting to be held in Paris, France, from 21 to 23 November 1991, the adoption of the following draft resolution:

"Establishment of an Effective Crime and Justice Programme,

"The General Assembly,

"Alarmed by the dangers posed to the welfare of all nations by the rising incidence of crime generally and especially by the many forms of criminal activity which have international dimensions,

"Recalling that the General Assembly, in its resolution 45/108, established an intergovernmental working group to 'produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented',

"Recognizing with appreciation the work of the Intergovernmental Working Group which met in Vienna during the period 5-9 August 1991,

"Recognizing also with appreciation the work of the Ministerial Meeting which met in Paris during the period _____ November 1991,

"Recognizing the inherently governmental nature of law enforcement and criminal justice,

"Acknowledging that a United Nations programme devoted to crime prevention and criminal justice can only be effective with the direct participation and supervision of Member States,

"Convinced that the principal purpose of such a programme should be to provide practical assistance to States in combating both national and transnational crime,

"1. Takes note with appreciation of the Report of the Ministerial Meeting on establishment of an effective United Nations Crime Prevention and Criminal Justice Programme and the Report attached thereto of the Intergovernmental Working Group on the same subject;

"2. Endorses the recommendation of the Ministerial Meeting to establish a United Nations Crime Prevention and Criminal Justice Programme starting in 1992 that will be governed by a new functional commission of the Economic and Social Council;

"3. Requests the Economic and Social Council at its 1992 session to replace both the United Nations Committee on Crime Prevention and Control and the United Nations Congresses on the Prevention of Crime and Treatment of Offenders with a new functional commission to be known as the United Nations Commission on Crime Prevention and Criminal Justice;

"4. Decides that the Commission shall be comprised of _____ Member States elected by the Economic and Social Council on the basis of equitable geographical distribution of seats for a term of ____ years commencing on 1 January following the election, but with ____ of the initial membership elected in 1992 to be chosen by lot for a term of ____ years and with elections to choose ____ of the members to be held (every year/every even numbered year);

"5. Decides further that the Programme shall be devoted to providing practical assistance to States, such as data collection, information sharing, and training, to achieve the goals of preventing crime within and among States and of improving the response to crime by developing enhanced criminal justice systems within States;

"6. Requests the Commission to set priorities for the Programme after reviewing and reassessing all past United Nations resolutions, international instruments, or other work in the field of crime prevention and criminal justice;

"7. Emphasizes that the Commission should work with other United Nations organs and international organizations to avoid overlap between the Programme and the other current or proposed intergovernmental activities;

"8. Requests the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the measures taken to implement the present resolution."

63. At the 3rd meeting, the Working Group, on the proposal of the Chairman, decided to hold informal consultations on the draft resolution under the Chairmanship of Mr. Bo Svensson (Sweden), Vice-Chairman of the Working Group.

4. Statement of principles and programme of action

64. At the 4th meeting on 9 August 1991, Mr. Bo Svensson (Sweden), Vice-Chairman of the Working Group, made a statement, in the course of which he introduced document A/AC.239/L.7/Rev.1 entitled "Statement of principles and programme of action", which was the result of informal consultations held on draft resolutions contained in documents A/AC.239/L.3, L.4 and L.5.

65. At the same meeting, the representative of the Office for Programme Planning, Budget and Finance, made a statement in connection with the programme budget implications of document A/AC.239/L.7/Rev.1 and draft resolution A/AC.239/L.8.

66. Statements were made by the representatives of the United Kingdom, Argentina and Canada, and by the observer for the Netherlands.

67. Also at the same meeting, the Working Group adopted document A/AC.239/L.7/Rev.1, as further orally revised and decided to annex it to draft resolution A/AC.239/L.8. (For the text, see chapter I, Conclusions and Recomendations, Annex)

5. The creation of an Effective United Nations Crime Prevention and Criminal Justice Programme

68. At the 4th meeting on 9 August 1991, the representative of Australia, on behalf of Australia, France and the United States of America, introduced a draft resolution (A/AC.239/L.8), entitled "The Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme", and orally revised it as follows:

(a) In the last preambular paragraph, the words "the overall" were inserted before the words "existing United Nations resources";

(b) In operational paragraph 3., the words "within existing resources" were deleted and replaced with the words "within the overall existing United Nations means";

(c) In paragraph 6., the words "the overall" were inserted before the words "existing United Nations means";

(d) A new operational paragraph reading:

"Proposes that the next organizational session of the Economic and Social Council shall make the necessary technical arrangements in order to discontinue the Committee on Crime Prevention and Control and to establish the Commission for Crime Prevention and Criminal Justice including the financial redeployment of funds for the work of the new Commission;"

was inserted after operational paragraph 7.

(e) The square brackets around paragraph 8 (a) were deleted; and

(f) Existing paragraph 8 (c), which read:

"(c) Without prejudice to additional funds which [may should] be made available by the Secretary-General, retain for the Crime Prevention and Criminal Justice Programme all funds currently allocated to that programme, as well as any savings realized by the restructuring, [and all funds currently earmarked for the 1992 session of the Committee on Crime Prevention and Control, the latter to be used for the 1993 session of the Commission;]

was replaced by the following paragraph, reading:

"Without prejudice to additional funds which may be made available by the Secretary-General, retain for the Crime Prevention and Criminal Justice Programme all funds currently allocated to that programme, as well as any savings realized by the restructuring, and all funds currently earmarked for the 1992 session of the Committee on Crime Prevention and Control, the latter to be used for the 1993 session of the Commission;".

69. At the same meeting, the observer for Mexico made a statement and proposed the deletion, at the end of operative paragraph 4, the words "by developing enhanced prevention and criminal justice systems within States".

70. Also at the same meeting, the Secretary of the Working Group made a statement.

71. The Working Group then adopted the draft resolution as orally revised and amended. (For the text, see chapter I - Conclusions and Recommendations.)

III. ADOPTION OF THE REPORT OF THE INTERGOVERNMENTAL WORKING GROUP

72. At its fourth meeting, on 9 August 1991, the Intergovernmental Working Group adopted the draft report of its meeting, as orally revised and amended during the discussion (A/AC.239/L.6 and Add.1 and 2).

IV. CLOSURE OF THE MEETING

73. At the closing session, the representative of France, the host country for the Ministerial Meeting, underlined the importance of that event whose task had been facilitated by the Working Group: the new intergovernmental Commission would be central to strengthen international cooperation in this field, though it would be important to avoid excessive politicization; the place of the Congresses had been reaffirmed and the rationalization of their work should give them a renewed role, while elevating the Secretariat service concerned to the rank and level it deserved was an essential element in the success of the entire undertaking. He underlined the willingness of his delegation, in response to the request made to it by representatives of several countries, in particular those from developing countries, to attempt a reformulation, at the Ministerial Meeting, of some parts of the statement of principles adopted by the Intergovernmental Working Group, in order to make them reflect more accurately the concerns and interests of developing countries, without prejudice to the consensus reached on the entire conclusions and recommendations. However, in order to succeed the new Programme had to dispose of the necessary resources to be able to fulfil its mandate and render urgently needed assistance to Member States. The elements for a successful meeting were largely there, although some further consultations were needed. He took that opportunity to extend a cordial invitation, on behalf of the French Government, for this global conference of ministers.

74. The Chairman, in declaring the meeting closed, thanked all delegations for their spirit of understanding and cooperation, which had been essential in achieving consensus on the proposed recommendations. They were important not only as a blueprint for action by the Ministerial Summit, but also because they contained a crucial message, stressing the collective and joint responsibility of the international Community to have a more effective instrument to provide help to the countries in need in their fight against crime and in their process of reforms of the criminal justice system.

Annex I

AGENDA OF THE MEETING

1. Opening of the meeting.

2. Election of officers.

3. Adoption of the agenda and organization of work.

4. Establishment of a more effective international crime and justice programme:

   (a) Programme content and priorities;
   (b) Modalities of international cooperation and structural arrangements;
   (c) Human and financial requirements for effective implementation.

5. Conclusions and recommendations for the future of the United Nations Crime and Justice Programme;

6. Adoption of the report of the Working Group.

Annex II

LIST OF DOCUMENTS BEFORE THE INTERGOVERNMENTAL WORKING GROUP

Document number	Agenda item	Title or description
E/1990/31/Add.1	4	Report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme"
E/1990/31	4	Report of the Committee on Crime Prevention and Control on the eleventh session
A/CONF.144/5	4	Crime prevention and criminal justice in the context of development: realities and perspectives of international cooperation: working paper prepared by the Secretariat
A/CONF.144/28	4, 5	Report of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/45/629	4, 5	Implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report of the Secretary-General
A/44/6/Rev.1	5	Extract from the proposed programme budget for the biennium 1990-1991
A/45/6/Rev.1, (Prog. 29)	5	Extract from the proposed medium-term plan for the period 1992-1997
A/46/6 (Sect. 21)	5	Proposed programme budget for the biennium 1992-1993
A/AC.239/INF.1		Information for participants
A/AC.239/INF.2		List of participants
A/AC.239/CRP.1 (English only)	4, 5	87th International Seminar on "Development of an Effective International Crime and Justice Programme": prepared by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)

Document number	Agenda item	Title or description
A/AC.239/CRP.2 (except Chinese)	4, 5	A Plan for the Restructuring of the United Nations Crime Prevention and Criminal Justice Programme, Discussion paper: prepared by the Helsinki Institute for Crime Prevention and Control affiliated with the United Nations (HEUNI)
A/AC.239/CRP.3 (English only)	4, 5	Planning Meeting on the Development of United Nations Criminal Justice Information Programme (Rome, 3-6 June 1991): report prepared by the United Nations Interregional Crime and Justice Research Institute (UNICRI)
A/AC.239/CRP.4 (English only)	4, 5	Statement on the United Nations Criminal Justice Information Programme, Excerpt from the report of the Planning Meeting on the Development of United Nations Criminal Justice Information Programme (Rome, 3-6 June 1991): prepared by the United Nations Interregional Crime and Justice Research Institute (UNICRI)
A/AC.239/CRP.5 (English only)	5	Conclusions and recommendations for the future of the United Nations Crime and Justice Programme, first draft, prepared by interested and like-minded Permanent Missions in Vienna
A/AC.239/CRP.6 (English and Spanish only)	5	International Convention on Cooperation for the Prevention of Crime and Criminal Justice
A/AC.239/1	3	Provisional agenda
A/AC.239/L.1	3	Organization of work of the meeting
A/AC.239/L.2	3	Agenda as adopted by the Intergovernmental Working Group at its first meeting
A/AC.239/L.3	5	Draft resolution submitted by Australia, India, Indonesia, Japan, Libyan Arab Jamahiriya and Malaysia
A/AC.239/L.4	5	Draft resolution submitted by France

Document number	Agenda item	Title or description
A/AC.239/L.5	5	Draft resolution submitted by the United States of America
A/AC.239/L.6 and Add.1-2	6	Draft report of the Intergovernmental Working Group
A/AC.239/L.7 and Rev.1	5	Statement of Intent submitted by the Member States of the United Nations
A/AC.239/L.8	5	Draft resolution submitted by Australia, France and the United States of America

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